

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KIMBERLY SUE LOPEZ, as)	Case No. 1:24-cv-13340
Next friend of her minor child B.P.L.A.,)	
Plaintiff(s),)	
v.)	Judge Matthew F. Kennelly
KUBALANZA, et al.,)	
Defendant(s).)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ REQUEST TO SEAL EXHIBIT 4
(DKT. 104-4)**

Plaintiff Kimberly S. Lopez, as next friend of her minor daughter B.P.L.A., respectfully submits this response to the State Defendants’ email communication dated March 26, 2025, requesting that Exhibit 4 (Dkt. 104-4), the minor child’s birth certificate, be sealed under Local Rule 5.2. Plaintiff is deeply concerned that Defendants’ request to retroactively seal Exhibit 4 is not grounded in a genuine effort to protect privacy but rather appears designed to suppress evidence that materially undermines the legal basis of the possession transfer now under review by this Court. The birth certificate confirms that Naseem Latif has no legal standing, no parental status, and no lawful right to possession or custody. Redacting or sealing such critical evidence at this stage would amount to the concealment of exculpatory information in a pending federal action. Plaintiff obtained the minor child’s birth certificate lawfully in her capacity as the listed parent, legal custodian, and Next Friend, and submitted it as material evidence in a constitutional proceeding. While birth records are considered confidential under Illinois law, they are accessible by

parents for lawful use and may be submitted in judicial proceedings where legal parentage, standing, and constitutional rights are at issue. Plaintiff's use of the record complies with state law and was necessary to rebut the false parentage narrative advanced by Defendants. In support of her Motion the Plaintiff respectfully states the following:

1. Plaintiff is the biological mother and sole legal custodian of B.P.L.A. pursuant to a valid Illinois custody order.
2. Plaintiff has standing to act as Next Friend under 28 U.S.C. § 2242, and to submit the minor child's birth certificate as material evidence in both her Verified Petition for Writ of Habeas Corpus and civil rights claims under 42 U.S.C. § 1983.
3. The birth certificate at issue (Exhibit 4) was previously filed unsealed in this same matter and forms part of the evidentiary record demonstrating the legal presumption of parentage under 750 ILCS 46/204.
4. Plaintiff objects to any retroactive sealing or redaction order issued without formal motion, notice, or opportunity to be heard. Any action taken solely on the basis of defense counsel's email—absent proper motion practice—would constitute an improper ex parte communication and a violation of due process.
5. In a good faith effort to comply with Local Rule 5.2, Plaintiff is willing to file a redacted version of the birth certificate that omits the minor's full name and exact date of birth.

WHEREFORE, Plaintiff respectfully requests that:

1. The Court deny any retroactive sealing or redaction of Exhibit 4 (Dkt. 104-4) absent proper motion practice;

2. Alternatively, permit Plaintiff to submit a redacted version of Exhibit 4 to replace the currently filed version, consistent with Local Rule 5.2(a);
3. Preserve Exhibit 4 as admissible material evidence relevant to Plaintiff's standing, the presumption of parentage, and the constitutional claims now pending;
4. Plaintiff respectfully requests that this Court direct all future requests by Defendants—particularly those seeking evidentiary redaction, sealing, or suppression—to be submitted in full compliance with the Federal Rules of Civil Procedure, including proper motion practice, service, and notice under Rule 5. Informal communications or ex parte requests that affect the evidentiary record in this matter are improper, prejudicial, and violate the principles of due process and transparency central to these proceedings.

Date: March 26, 2025

Respectfully submitted,

/s/ Kimberly S. Lopez

Kimberly S. Lopez as
Next Friend of B.P.L.A.
16036 84th Place
Tinley Park, IL 60487
(708) 983-3934
kslopez777@gmail.com